

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ANTONIO PIERCE,	:	
	:	
Defendant,	:	Case No. 3:07-CR-183
	:	3:11-CV-429
vs.	:	
	:	JUDGE WALTER HERBERT RICE
UNITED STATES OF AMERICA,	:	
	:	
Plaintiff	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #387) IN THEIR ENTIRETY; OVERRULING DEFENDANT'S OBJECTIONS THERETO (DOC. #390); DISMISSING WITH PREJUDICE DEFENDANT'S MOTION TO VACATE SENTENCE UNDER 28 U.S.C. § 2255 (DOC. #363); DENYING ANTICIPATED REQUEST FOR CERTIFICATE OF APPEALABILITY AND MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*; TERMINATION ENTRY

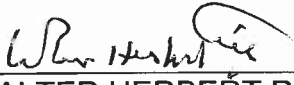
Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz, in his Report and Recommendations, filed March 15, 2012 (Doc. #387), as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court adopts said judicial filing in its entirety. Defendant's objections (Doc. #390) to said judicial filing, which are addressed only to the First Ground for Relief, are overruled. Defendant's Motion to Vacate Sentence Under 28 U.S.C. § 2255 (Doc. #363) is dismissed with prejudice.

Given that Defendant has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be

objectively frivolous, Defendant is denied a certificate of appealability and denied leave to appeal *in forma pauperis*.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: September 27, 2012



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record